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In re Application of	:	
Naoyuki Fujisawa et al.	:	
Application No. 09/891,204	:	DECISION ON PETITION
Filed: June 26, 2001	:	UNDER 37 C.F.R. 1.181 TO
For: METHOD AND SYSTEM FOR	:	WITHDRAW FINALITY
TRANSFERRING COMMUNICATION	:	
FEE	:	

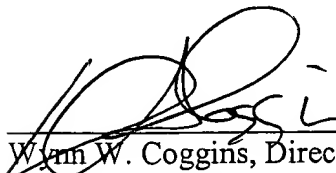
This is in response to applicant's Petition filed on August 8, 2006, requesting withdrawal of the finality of the Office action mailed May 19, 2006 as being premature.

The petition is **DISMISSED AS MOOT**.

Petitioner alleges that the final rejection dated May 19, 2006 was "incomplete" since "the Examiner has not provided support" of a statement from the previous Office action "nor provided an affidavit to support the assertion."

MPEP 706.07(a) sets forth that the second or any subsequent action on the merits shall be made final except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment nor based on information submitted in an information disclosure statement filed during the period set forth in 37 C.F.R. 1.97 (c) with the fee set forth in 37 C.F.R. 1.17(p).

A review of the record indicates that applicant's filed an After Final Amendment August 21, 2006. The Office responded with an Advisory Action September 26, 2006. Applicant's subsequently filed a Request for Continued Examination (RCE) on October 18, 2006, therefore the finality has already effectively been withdrawn and the issue is moot. Further review of the record indicates that the examiner issued a non-final rejection on January 16, 2007, applicant responded with an amendment on May 14, 2007, the examiner issued a Final rejection on August 10, 2007, and the application has since been abandoned on February 20, 2008.


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EWS: 07/13/09

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